

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

NIAKEIA SIBBY,

Plaintiff,

v.

Case No. 04-CV-75025-DT

OWNIT MORTGAGE SOLUTIONS, INC.
(formerly Oakmont Mortgage Company, Inc.)
and COUNTRYWIDE HOME LOANS, INC.,

Defendants.

**ORDER GRANTING PLAINTIFF'S "MOTION TO COMPEL DISCOVERY AND
AMEND SCHEDULING ORDER" AND GRANTING IN PART DEFENDANTS'
"SECOND MOTION TO COMPEL DISCOVERY"**

Before the court are Plaintiff's motion to compel discovery responses and extend the discovery deadline, filed November 1, 2005 [Dkt. # 16] and Defendants' second motion to compel discovery, filed November 8, 2005 [Dkt. # 18]. Although this case has been at issue since April 9, 2005, and the scheduling order in place since August 5, 2005, the motions aver that each party filed a First Set of Interrogatories on the opposing side on September 30, 2005, or about one month before the end of scheduled discovery.

Plaintiff points out that the interrogatories she propounded were rejected by Defendant as untimely since they would require a response in contradiction to the court's scheduling order, i.e., November 2, 2005, one day beyond the discovery

deadline.¹ Plaintiff attaches an e-mail message from Defendants' counsel that, in part, points out that date anomaly.

Interestingly, Defendants' motion states that they, too, propounded discovery requests and sent them on the same day, September 30, as Plaintiff's request were sent. For reasons that are not discerned by the court, Defendants appear to believe that their discovery requests are not out of line with the scheduling order deadline while Plaintiff's are.² Defendants also seek costs and fees under Fed. R. Civ. P. 37.

IT IS ORDERED that Plaintiff's "Motion to Compel Discovery . . ." [Dkt. # 16] is GRANTED.

IT IS ALSO ORDERED that Defendants' "Second Motion to Compel Discovery" [Dkt. # 18] is GRANTED IN PART. The portion of Defendants' motion requesting costs and fees incurred in furtherance of the motion is denied.

The court in a separate order has altered the scheduling order's deadline for dispositive motions. No other alterations are due.

IT IS FURTHER ORDERED that each set of discovery requests shall be provided to opposing counsel on or before **November 29, 2005**.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

¹ The court's order states, in part, that discovery must be completed, not simply scheduled, by that deadline.

² The situation calls to mind the dying words of Mercutio.

Dated: November 23, 2005

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 23, 2005, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522